

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Olin E. Gilstrap,)	Case No. 6:19-cv-01634-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
)	
Pete Petterson, Lisa Diam Reid, Dawn)	
Michelle Harper, Thomas R.)	
Williamson, Joey Ducan, Kim Ducan,)	
Jerome Latham,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff's complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). The Magistrate Judge has issued orders directing Plaintiff to provide certain documents and warning Plaintiff that failure to do so could result in dismissal.¹ ECF Nos. 6, 8, 22 Plaintiff failed to bring this case into proper form. On September 19, 2019, the Magistrate Judge issued a Report recommending that the action

¹ The undersigned previously closed this case because Plaintiff failed to respond to the proper form order. ECF No. 12. The action was reopened, out of an abundance of caution for a pro se Plaintiff, when he provided some of the requested documents after the time to do so had expired. The third proper form order was issued after the case was reopened. Plaintiff has not responded to the proper form order.

be dismissed without prejudice and without issuance and service of process for failure to bring into proper form and because Plaintiff's complaint is frivolous. ECF No. 28. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff did not file objections to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." (citation omitted)).

As stated above, Plaintiff has not objected to the Magistrate Judge's Report. Accordingly, after considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. This action is dismissed with prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

October 21, 2019
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.